

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

GERRY L. SCRUGGS,

Plaintiff,

v.

CASE NO. 3:24-cv-49-HES-MCR

CLERK OF STATE COURT
HAROLD R. BANKE
JUSTICE CENTER,

Defendant.

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REPORT AND RECOMMENDATION¹

On January 29, 2024, the Court entered an Order directing Plaintiff to either submit the \$402.00 filing fee or complete, notarize, and file the long-form affidavit of indigency no later than February 12, 2024. (Doc. 2.)

Plaintiff was warned that: “Failure to do so may result in a recommendation that this action be dismissed without further notice.” (*Id.* at 1-2.) The Order was mailed to Plaintiff on or before January 30, 2024.

¹ “Within 14 days after being served with a copy of [this Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations.” Fed.R.Civ.P. 72(b)(2). “A party may respond to another party’s objections within 14 days after being served with a copy.” *Id.* A party’s failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was made. *See* Fed.R.Civ.P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1.

When Plaintiff failed to complied with the Court's Order, on February 21, 2024, the Court entered an Order directing Plaintiff to show cause in writing, on or before March 1, 2024, why this action should not be dismissed without prejudice for failure to comply with the Court's previous Order and/or want of prosecution under Local Rule 3.10. (Doc. 3.) Plaintiff was warned that failure to respond to the February 21, 2024 Order by the deadline would likely result in the dismissal of this action without further notice. (*Id.*) The Order was mailed to Plaintiff on or before February 21, 2024.

To date, Plaintiff has not responded to the Court's Orders, has not paid the filing fee, has not filed a long-form affidavit of indigency requesting to proceed *in forma pauperis*, and has not sought an extension of time to do so. Therefore, it is appropriate to dismiss this action without prejudice for lack of prosecution. See M.D. Fla. R. 3.10.

Accordingly, it is respectfully **RECOMMENDED** that this action be **DISMISSED without prejudice** and the Clerk of Court be directed to terminate any pending motions and close the file.

DONE AND ENTERED at Jacksonville, Florida, on March 4, 2024.


MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

The Hon. Harvey E. Schlesinger
Senior United States District Judge

Pro Se Plaintiff